

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Charles Henry HORN et al. Confirmation No.: 1275  
Application No.: 10/521,847 Group No.: 1651  
Filed: November 23, 2005 Examiner: Kade Ariani  
For: *Megasphaera elsdenii* Strain And Its Uses

Mail Stop AMENDMENT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

AMENDMENT AND RESPONSE

Sir:

This Amendment and Response is filed in response to the non-final Office Action dated August 1, 2008 ("the August 1, 2008 Office Action") in which pending claims 23, 24 and 26-57 were rejected.

The Applicant respectfully requests entry of the amendments and reconsideration.

**Amendments to the Claims** are reflected in the listing of claims that begins on page 2 of this paper.

**Remarks/Arguments** begin on page 6 of this paper.

{Practice Areas\CORP\21439\00001\A4043794.DOC}

**CERTIFICATION UNDER 37 C.F.R. SECTIONS 1.8(a) and 1.10\***

I hereby certify that, on the date shown below, this correspondence is being:

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